

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND**

IN RE:

**LOUIS M. LESNIAK,**

Debtor.

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**WILLIAM K. HARRINGTON,**  
United States Trustee

Plaintiff,

v.

**LOUIS A. LESNIAK**

Defendant.

BANKRUPTCY CASE NO:

09-10206

Chapter 7

ADVERSARY NO.: 10-1021

**MOTION TO DISMISS ADVERSARY PROCEEDING**

Plaintiff, the United States Trustee (the “UST”) hereby moves to dismiss the above-captioned adversary proceeding, stating.

1. On April 13, 2010, the UST initiated this adversary proceeding by filing a complaint pursuant to section 727 seeking to deny the discharge of Louis M. Lesniak (“Debtor”).
2. The Debtor filed an answer on May 12, 2010. The Joint Pre-Trial Order (the “JPTO”) was due on January 31, 2010.
3. Prior to the JPTO deadline, however, the Debtor converted his case to chapter 13.
4. Because the Debtor is no longer seeking the relief the UST sought to deny, *i.e.*, a chapter 7 discharge, the UST seeks dismissal without prejudice.

WHEREFORE, the United States Trustee respectfully requests this Court dismiss the within adversary proceeding without prejudice, and for such other and further relief as is just and equitable,

Respectfully submitted,

WILLIAM K. HARRINGTON  
Plaintiff, United States Trustee

/s/ Sandra Nicholls  
Sandra Nicholls  
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U.S. Department of Justice  
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**CERTIFICATION OF SERVICE**

I hereby certify that on March 9, 2011, I electronically filed the Motion to Dismiss in the above captioned matter with the Clerk of the Bankruptcy Court for the District of Rhode Island using the CM/ECF System. The following participant is scheduled to receive notice electronically:

Russell D. Raskin [mail@raskinberman.com](mailto:mail@raskinberman.com), [russell@raskinberman.com](mailto:russell@raskinberman.com)

/s/ Sandra Nicholls  
Sandra Nicholls